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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Shigeto Oeda

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01/05/2006

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/975,001	Applicant(s) OEDA ET AL.	
	Examiner Joseph E. Avellino <i>A</i>	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____</p> |
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DETAILED ACTION

1. Claims 1-18 are presented for examination; claims 1, and 9-13 independent.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 8, 2005 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 4 recites that the pseudo user-designated information "cannot be distinguished", which is a term of degree. The claim does not provide what constitutes whether the information is distinguishable from the user-designated information (i.e. what makes the determination that the information is the same and how is this calculation completed). Furthermore, if Applicant amends this claim to further clarify

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this detail, it is requested to provide appropriate support from the specification as to where these details may be found. For examination purposes, the phrase "cannot be distinguished" will be construed as "of the same form as the user-designated information"

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, and 5-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nadine (EP 1 032 207) (cited by Applicant in IDS)

7. Referring to claim 1, Nadine discloses an information apparatus comprising:
user-designated information acquiring means for acquiring sequential user-designated information including information regarding selections made by a user (i.e. recording information items representing the screening of transmissions by a user) e.g. abstract; col. 1, ¶ 6-8);

accuracy setting means for specifying accuracy setting information (i.e. what values will be saved in memory 20), said accuracy setting information including a ratio (i.e. how much and of what information pertaining to the screening) of disclosure of the acquired user designated information to the external device, whereby the user-

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designated information notifying means is controlled according to the accuracy setting information specified by the user-designated information accuracy setting means (col. 5, ¶ 39) to thereby transmit log information which changes in accordance with time as the notification (i.e. constantly gathered as the stations change) to the external device (i.e. to an operator who can use these data for audience studies), said log information being obtained by restricting the user-designated information according to the accuracy setting information (only the information the users selects to be saved can be transmitted, since any other information is not stored in the memory) (col. 5, ¶ 39-42).

8. Referring to claim 2, Nadine discloses the log information is transmitted to the external device together with log accuracy information generated based on the accuracy setting information (i.e. only information allowed to be stored can be transmitted as shown above, and therefore this is construed as the log accuracy information) (col. 5, ¶ 39-42).

9. Referring to claim 3, Nadine discloses including AV function control means (i.e. controlling the display of information) including a broadcast type contents receiving function (e.g. abstract).

10. Referring to claim 5, Nadine discloses including storing means configured to: store information, said stored information including part of the log information and the accuracy setting information (i.e. it is inherent that the accuracy setting

information must be stored, otherwise the system would be unable to determine what values are to be stored in memory 20) (col. 5, ¶ 39-42), and

transmit the stored information to the external device (col. 5, ¶ 39-42).

11. Referring to claim 6, Nadine discloses the user-designated information acquiring means acquires user-designated information from each of the external AV devices respectively having AV function control means (i.e. television receivers), which are independent of the information processing apparatus (e.g. abstract).

12. Referring to claim 7, Nadine discloses the user-designated information acquiring means acquires user-designated information from a home appliance (i.e. a television receiver) independent of the information processing apparatus (e.g. abstract).

13. Referring to claim 8, Douvikas discloses a method for

(a) receiving contents information, said contents information comprising both contents substantial information (i.e. events table) and contents selection information (i.e. accuracy setting information, labels to be stored) for specifying a method of reproducing at least part of the contents substantial information (i.e. determining what information should be transmitted to the memory), and

(b) reproducing the contents substantial information, is determined according to the contents selection information and the user-designated information (i.e. storing only those values which the user requests to be stored) (col. 5, ¶ 39-42).

14. Claims 9-18 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

15. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nadine in view of Cooper et al. (USPN 6,754,904) (hereinafter Cooper).

16. Nadine discloses the invention substantively as described in the claims above. Nadine does not specifically state including pseudo information generating means configured to generate pseudo user-designated information composed of the same format as the user-designated information, wherein acquired information and the pseudo information cannot be distinguished, and wherein the user-designated information acquired from the user-designated information acquiring means is substituted with the pseudo user-designated information according to the accuracy setting information. In analogous art, Cooper discloses another information processing apparatus which is configured to generate pseudo user-designated information (i.e. labels stating "private") composed of the same format as the user-designated information (i.e. both the user-information and the labels are text strings, which are the same format, wherein acquired information and the pseudo information cannot be

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distinguished (i.e. they are both considered text strings, which would be able to be distinguished by a computer, they are displayed in the same manner), and wherein the user-designated information acquired from the user-designated information acquiring means is substituted with the pseudo user-designated information according to the accuracy setting information (i.e. instead of disclosing information, the "private" label is inserted indicating that the user wishes this information not to be disclosed) (Figure 11, 1110, 1108). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Cooper with Nadine in order to allow people to know information about a user without disclosing information considered sensitive to the user, thereby increasing the user's privacy while still allowing others to know information about the user.

Response to Amendment

17. The Office acknowledges the amendments to claims 1, 3-6, and 8-18.

Response to Arguments

18. Applicants arguments pertaining to art rejections have been fully considered but are moot in view of the new grounds of rejection presented above.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993). Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA
January 2, 2006



JEFFREY PWU
PRIMARY EXAMINER